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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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JAN 29 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
Louisiana Unwired, LLC)
Petition for Designation as an)
Eligible Telecommunications Carrier)
in the State of Alabama)

To: Common Carrier Bureau

**Petition for Designation as an Eligible Telecommunications Carrier
in the State of Alabama**

Louisiana Unwired, LLC ("LUL"), by counsel and pursuant to Section 214(e)(6) of the Commission's Act of 1934, *as amended*, 47 U.S.C. §214(e)(6), hereby petitions the Commission for designation as an Eligible Telecommunications Carrier ("ETC") throughout the non-rural LEC areas within its service area in the State of Alabama. As demonstrated below, LUL meets all the statutory and regulatory prerequisites for ETC designation.

I. Louisiana Unwired, LLC's Universal Service Offering

Louisiana Unwired, LLC is the F Block Personal Communications Service licensee authorized to provide PCS in the Basic Trading Areas 450 - Tuscaloosa, Alabama and 094 - Columbus-Starkville, Mississippi, which encompasses Lamar County, Alabama. LUL also provides PCS service in the majority of the state of Alabama through an affiliation agreement with Sprint PCS. LUL intends to obtain high cost loop support funding in order to speed the delivery of

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advanced wireless services to Alabama's citizens. As an ETC, LUL will offer a basic universal service package to subscribers who are eligible for Lifeline support. LUL expects that its service offering will be competitive with those of the incumbent wireline carriers

LUL currently provides all the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission's Rules, throughout its cellular service area in Alabama. Upon designation as an ETC, LUL will make available to consumers a universal service offering over its cellular network infrastructure, using the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers. LUL will provide service to any customer requesting this service within the designated service area

II. LUL Satisfies All The Statutory And Regulatory Prerequisites For Designation As An ETC.

LUL satisfies each of the five elements required for ETC designation by the FCC pursuant to Section 214(e)(6) set forth in the FCC's *Section 214(e)(6) Public Notice*¹, as shown below.

A

The Alabama Public Service Commission Has Provided an Affirmative Statement That it Does Not Regulate CMRS Carriers.

As a CMRS carrier, LUL is entitled to seek designation as an ETC.² Section 254(e) of Act. 47 U.S.C. §254(e), provides that "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal service support." 47 U.S.C.

¹ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice*, 12 FCC Rcd 22947 (1997) ("Section 214(e)(6) Public Notice").

² *See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, First Report and Order*, 12 FCC Rcd 8776, 8858-59 (1997) ("First Report and Order").

§214(e). Pursuant to 47 U.S.C. §214(e)(6), the Commission may, upon request, designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State Commission."

In the *Section 214(e)(6) Public Notice*, the Commission established that a carrier must demonstrate it "is not subject to the jurisdiction of a state commission." In its *Twelfth Report and Order* in this docket, the Commission stated that where a carrier provides the Commission with an "affirmative statement" from the state commission or a court of competent jurisdiction that the state lacks jurisdiction to perform the designation, the Commission would consider requests filed pursuant to 214(e)(6).¹

On October 19, 2001, Administrative Law Judge John A. Garner of the Alabama Public Service Commission ("PSC") determined that the Alabama PSC does not have jurisdiction over CMRS carriers. Judge Garner's letter, a copy of which is attached hereto as Exhibit A, stated, "the APSC has no authority to regulate in any respect cellular services, broadband personal communications services and commercial mobile radio services in Alabama." The PSC has clearly indicated it does not intend to designate CMRS carriers as ETCs and the FCC has recently found that the Alabama PSC has made the required "affirmative statement" that it does not wish to exercise jurisdiction over CMRS carrier petitions for ETC status.² Accordingly, LUL requests ETC designation as "a common carrier providing telephone exchange service and exchange access that

¹ *Section 214(e)(6) Public Notice*, at 22948.

² *Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, Twelfth Report and Order, and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 12208, 12264 (2000).

³ See *RC' Holdings, Inc.*, DA 02-3181 (released November 27, 2002) and *Cellular South Licenses, Inc.*, DA 02-3317 (released December 4, 2002).

is not subject to the jurisdiction of a State commission." 47 U.S.C. §214(e)(6). The Commission has since granted RCC Holdings, Inc.'s request for ETC

B. LUL Offers All Of The Services Supported By The Federal High-Cost Universal Service Program.

In order to be designated as an ETC, a carrier must be a common carrier and must offer and advertise the supported services throughout the designated service area. 47 U.S.C. §214(e)(1). The FCC has identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:

1. voice-grade access to the public switched telephone network;
2. local usage;
3. dual tone multi-frequency signaling or its functional equivalent;
4. single-party service or its functional equivalent;
5. access to emergency services;
6. access to operator services;
7. access to interexchange service;
8. access to directory assistance; and
9. toll limitation for qualifying low-income consumers.

47 C.F.R. § 54.101(a)

According to the *Section 214(e)(6) Public Notice*, a certification that the carrier provides each of the supported services is required.⁶ As shown below and in the Declaration attached as Exhibit B hereto, LUL now provides or will provide, upon designation, the required services

I. Voice-grade access to the public switched telephone network. The FCC concluded that voice-grade access means the ability to make and receive phone calls, within a bandwidth of approximately 2700 Hertz within the 300 to 3000 Hertz frequency range.⁷ LUL meets this requirement by providing voice-grade access to the public switched telephone network. Through

⁶ *Section 214(e)(6) Public Notice*, at 22948

⁷ *First Report and Order*, at 8810-11.

its interconnection arrangements with BellSouth Telecomm Inc. ("BellSouth") and other Local Exchange Carriers ("LECs"), all customers of LUL are able to make and receive calls on the public switched telephone network within the specified bandwidth.

2. Local Usage. Beyond providing access to the public switched network, an ETC must include local usage as part of a universal service offering. To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue.¹ As it relates to local usage, the NPRM sought comments on a definition of the public service package that must be offered by all ETCs. Specifically, the FCC sought comments on how much, *if any*, local usage should be required to be provided to customers as part of a universal service offering.² In the *First Report and Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide.³ Any minimum local usage requirement established by the FCC as a result of the *October 1998 NPRM* will be applicable to all designated ETCs, not simply wireless service providers. LUL will comply with any and all minimum local usage requirements adopted by the FCC. LUL will meet the local usage requirements by including a variety of local usage plans as part of a universal service offering.

3. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent.

DTMF is a method of signaling that facilitates the transportation of call set-up and call detail

¹ See *Federal-State Joint Board on Universal Service, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998) ("*October 1998 NPRM*").

² *October 1998 NPRM*, at 21277-21281.

³ *First Report and Order*, at 8813. See also, *Western Wireless Corporation*, 16 FCC Rcd 48, 52-53 (2000), *aff'd*, FCC 01-311 (October 19, 2001); *Cellco Partnership*, 16 FCC Rcd 39, 42 (2000).

interconnection. Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement. 47 C.F.R. § 54.101(a)(3). LUL currently uses out-of-band digital signaling and in-band multi-frequency ("MF") signaling that is functionally equivalent to DTMF signaling, LUL therefore meets the requirement to provide DTMF signaling or its functional equivalent.

4. Single-party service or its functional equivalent. 'Single-party service' means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line.' The FCC concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user's particular transmission.' LUL meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

5. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Phase I E911, which includes the capability of providing both automatic numbering information ("**ANI**") and automatic location information ("ALI"), is only required if a public emergency service provider makes arrangements with the local provider for the delivery of such information.⁶ LUL currently provides all of its customers with access to emergency service by dialing 911 in satisfaction of this requirement.

6. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a

⁴ *First Report and Order*, 12 FCC Rcd at 8810.

⁵ *Id.*

⁶ *See Id.* at 8815-17.

telephone call.⁷ LUL meets this requirement by providing all of its customers with access to operator services provided by either the Company or other entities (e.g., LECs, IXC's, etc.)

7. Access to interexchange service. A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. Equal access, however, is not required. "The FCC do[es] not include equal access to interexchange service among the services supported by universal service mechanisms."⁸ LUL presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several IXC's. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

8. Access to directory assistance. The ability to place a call to directory assistance is a required service offering." LUL meets this requirement by providing all of its customers with access to directory assistance by dialing "411" or "555-1212".

9. Toll limitation for qualifying low-income consumers. An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9).¹⁰ In particular, all ETCs must provide toll blocking, which allows customers to block the completion of outgoing toll calls." LUL currently has no Lifeline customers because only carriers designated as an ETC can participate in Lifeline. See 47 C.F.R. §§ 54.400-415.

⁷ *Id.*, at 8817-18.

⁸ *Id.*, at 8819.

⁹ *Id.*, at 8821.

¹⁰ See *Universal Service Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72*, 13 FCC Rcd 5318 (1997).

¹¹ *First Report and Order*, at 8821-22.

Once designated as an ETC, LUL will participate in Lifeline as required, and will provide toll blocking capability in satisfaction of the FCC's requirement. Today, the Company provides toll-blocking services for international calls and customer selected toll calls. Accordingly, LUL currently has the technology to provide toll blocking and will use this technology to provide the service to its Lifeline customers, at no charge, as part of its universal service offerings.

C. LUL Will Offer Supported Services Through its Own Facilities.

The Commission's *Section 214(e)(6) Public Notice* established that a carrier requesting designation must certify that it offers the supported services "either using its own facilities or a combination of its own facilities and resale of another carrier's services."¹² LUL will provide the supported services using its existing network infrastructure, which includes the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers. *See also* Exhibit B hereto.

D. LUL Will Advertise its Universal Service Offering.

LUL will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the designated service area of the services and charges.¹³ LUL currently advertises its wireless services through several different media. LUL will use media of general distribution that it currently employs to advertise its universal service offerings throughout the service areas designated by the Commission. LUL will comply with all form and content requirements, if any, promulgated by the FCC in the future and required of all designated ETCs.

¹² *Section 214 Public Notice*, at 22949.

¹³ *See Section 214(e)(6) Public Notice*, 12 FCC Rcd at 22949.

III. LUL Requests Designation Throughout Those Portions Of Its Service Area In Alabama That Are Served By Non Rural Carriers.

LUL is not a "rural telephone company" as that term is defined by 47 U.S.C. 153(37). Accordingly, LUL is required to describe the geographic area in which it requests designation." LUL requests ETC designation for the portions of its service area in Alabama that are served by non-rural LECs. A map of LUL's proposed ETC service area is attached hereto as Exhibit C.

Under FCC Rule Section 54.207, a "service area" is a "geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms." 37 C.F.R. §54.207(a). For non-rural service areas, there are no restrictions on how a state commission defines the "service area" for purposes of designating a competitive ETC. Therefore, the FCC may designate LUL as an ETC in the non-rural wire centers set forth at Exhibit D. To the extent LUL serves only a portion of the wire center listed at Exhibit D, LUL requests ETC designation in that portion of the wire center where it provides service." A map depicting LUL's proposed ETC service area is attached hereto as Exhibit C.

IV. A Grant of This Application Will Serve the Public Interest.

Because LUL does not seek designation in areas served by rural LECs no public interest showing is required in this application. In non-rural areas, it is presumed that the public will be served by the designation of additional ETCs.¹⁶

¹⁴ *Id.*

¹⁵ Those wire centers that LUL partially serves are indicated on Exhibit D with the word "partial."

¹⁶ See *RCC Holdings, Inc.*, DA 02-318 at ¶ 12 (released November 27, 2002) and *Cellular South Licenses, Inc.*, DA 02-3317 at ¶ 12 (released December 4, 2002).

V. High-Cost Certification

Under FCC Rule Sections 54.313 and 54.314, carriers wishing to obtain high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, must self-certify with the FCC and the Universal Service Administrative Corporation ("USAC") their compliance with Section 254(e) of the Federal Telecommunications Act of 1996. As explained above, the PSC does not exercise jurisdiction over CMRS carriers such as LUL. Therefore, in accordance with Section 54.313(b) and 54.314(b), LUL has submitted its high-cost certification with the FCC and USAC. A copy of this certification is attached hereto as Exhibit E. LUL respectfully requests that the Commission issue a finding that LUL has met the high-cost certification requirement and that LUL is, therefore, entitled to begin receiving high-cost support as of the date it receives a grant of ETC status in order that funding will not be delayed.¹⁷

VI. Anti-drug Abuse Certification

LUL certifies that no party to this petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862. See Exhibit F hereto.

¹⁷ See Cellular South License, Inc. Petition for Waiver of FCC Rule Section 54.313, filed January 9, 2002; Guam Cellular and Paging, Inc. Petition for Waiver of FCC Rule Section 54.314, filed February 6, 2002.

VII. Conclusion

LUL respectfully requests the Commission to designate it as an ETC on an expedited basis.

Respectfully submitted,

Lousiana Unwircd, LLC

By 

David A. LaFuria
B. Lynn F. Ratnavale
Its Attorneys

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January 29, 2003

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STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P O BOX 991
MONTGOMERY ALABAMA 36101 0991

October 19, 2001

JIM SULLIVAN, PRESIDENT
JAN COOK, ASSOCIATE COMMISSIONER
GEORGE C. WALLACE, JR., ASSOCIATE COMMISSIONER

WINTER L. THOMAS, JR.
SECRETARY

Phyllis A. Whitten
Swidler Berlin, Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007-5116

Dear Ms. Whitten:

I am in receipt of the Application for ETC Status and Request for Clarification which you filed with the Alabama Public Service Commission (the 'APSC') on September 11, 2001, on behalf of your clients Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively "Pine Belt" or the "Pine Belt companies"). As noted in your filing, both Pine Belt companies are affiliated with Pine Belt Telephone Company, a provider of wireline telephone service in Alabama.

I understand from your filing that the Pine Bell companies provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services within Alabama in accordance with licenses granted by the Federal Communications Commission (the 'FCC'). According to your representations, the service territories of the Pine Belt companies in Alabama include Alabama Rural Service Area 3B3 for cellular services and the Selma basic trading area (FCC market 8415) for personal communications services.

3B3

As recognized in your filing, state commissions have primary responsibility under 47 USC §214(e) for the designation of eligible telecommunications carriers ("ETCs") in their respective jurisdictions for universal service purposes. The APSC established the guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997. As a threshold matter, your filing seeks clarification as to whether the APSC will assert jurisdiction over each Pine Bell company's request to be designated as a universal service eligible telecommunications carrier to provide wireless ETC service in the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. and Verizon South, Inc.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services and commercial mobile radio services is one that was rather recently addressed by the APSC. The APSC indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June

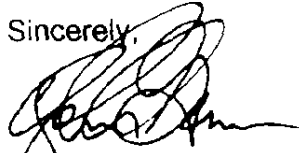
PHYLLIS A. WHITTEN
OCTOBER 19, 2001
PAGE #2

of 1999, the APSC has no authority to regulate *in any* respect cellular services, broadband Personal communications services and commercial mobile radio services in **Alabama**.

Given the above conclusion by the APSC, it seems rather clear that the APSC **has** no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction to provide wireless ETC service in the non-rural Alabama **wireline** service territories of BellSouth Telecommunications, Inc. and Verizon South, Inc. The Pine Belt companies should instead pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

Although the views expressed herein are those **of** your writer and do not necessarily constitute an official action of the APSC, I am confident that this writing provides the clarification you requested concerning the ETC designation request of your clients. Should you need further clarification in order to pursue ETC designations for the Pine Belt companies at the FCC, please do not hesitate to contact me at (334) 242-5200.

Sincerely,



John A. Garner
Administrative Law Judge

JAG:klr

Exhibit B

DECLARATION

DECLARATION UNDER PENALTY OF PERJURY

I, Paul Clifton, do hereby declare under penalty of perjury as follows:

1. I am the authorized representative of Louisiana Unwired, LLC ("LUL") in charge of LUL's Petition for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Alabama. This Affidavit is submitted in support of LUL's Petition for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Alabama.

2. LUL is authorized to provide service in the requested ETC area described in its Petition. Louisiana Unwired, LLC is the F Block Personal Communications Service licensee authorized to provide PCS in the Basic Trading Areas 450 - Tuscaloosa, Alabama and 094 - Columbus-Starkville, Mississippi, which encompasses Lamar County, Alabama. LUL is also a PCS provider in the majority of the state of Alabama through an affiliation agreement with Sprint PCS.

3. As a carrier not subject to state commission jurisdiction in the State of Alabama, LUL is seeking designation as an ETC under Section 214(e)(6).

4. LUL meets the criteria for ETC designation as explained herein

5. LUL is a "common carrier" for purposes of obtaining ETC designation pursuant to 47 U.S.C. §214(e)(1). A "common carrier" is generally defined in 47 U.S.C. §153(10) as a person engaged as a common carrier on a for-hire basis in interstate communications by wire or radio. Section 20.9(a)(7) of the Commission's Rules provide that cellular service is a common carrier service. See 47 C.F.R. § 20.9(a)(7).

6. LUL currently offers and is able to provide, within its designated service areas, the services and functionalities identified in 47 C.F.R. §54.101(a). Each of these services and functionalities is discussed more fully below.

a. Voice-grade access to the public switched telephone network. The FCC concluded that voice-grade access means the ability to make and receive phone calls, within a bandwidth of approximately 2700 Hertz within the 300 to 3000 Hertz frequency range. See *Federal-State Joint Board on Universal Service, CC Docket No. 96-45, First Report and Order*, 12 FCC Rcd 8776, 8810-11 (1997) ("**Universal Service Order**"). FCC meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with local telephone companies, including the BellSouth Telecomm Inc. ("BellSouth"), all customers of RCC are able to make and receive calls on the public switched telephone network within the specified bandwidth.

b. Local Usage. Beyond providing access to the public switched network, an ETC must include local usage as part of a universal service offering. To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue. See *Federal-State Joint Board on Universal Service, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998) ("**October 1998 NPRM**"). As it relates to local usage, the NPRM sought comments on a definition of the public service package that must be offered by all ETCs. Specifically, the FCC sought comments on how much, if any, local usage should be required to be provided to customers as part of a universal service offering. *October 1998 NPRM* at 21277-21281. In the *Universal Service Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide. *Universal Service Order* at 8813. Any minimum local usage requirement established by the FCC as a result of the *October 1998 NPRM* will be applicable to all designated ETCs, not simply wireless service providers. LUL will comply with any and all minimum local usage requirements adopted by the FCC. LUL will meet the local usage requirements by including local usage as part of a universal service offering.

c. Dual-tone multi-frequency ("DTMF") signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information

Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement. 47 C.F.R. § 54.101(a)(3). LUL currently uses out-of-band digital signaling and in-band multi-frequency ("MF") signaling that is functionally equivalent to DTMF signaling. LUL therefore meets the requirement to provide DTMF signaling or its functional equivalent.

d. Single-party service or its functional equivalent. "Single-party service" means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line. **Universal Service Order** at 8810. The FCC concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user's particular transmission. **Universal Service Order** at 8810. LUL meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

e. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Enhanced 911 or E911, which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), is only required if a public emergency service provider makes arrangements with the local provider for the delivery of such information. **See Universal Service Order** at 8815-17. LUL currently provides all of its customers with access to emergency service by dialing 911 in satisfaction of this requirement.

f. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. **Universal Service Order**, 8817-18. LUL meets this requirement by providing all of its customers with access to operator services provided by either the Company or other entities (e.g., LECs, IXC, etc.)

g. Access to interexchange service. A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. Equal access, however, is not required. "The FCC does not include equal access to interexchange service among the services supported by universal service mechanisms." **Universal Service Order** at 8819. LUL presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several IXCs. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

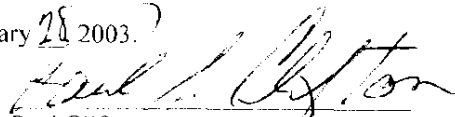
h. Access to directory assistance. The ability to place a call to directory assistance is a required service offering. **Universal Service Order** at 8821. LUL meets this requirement by providing all of its customers with access to directory assistance by dialing "411" or "555-1212"

i. Toll limitation for qualifying low-income consumers. An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9). **See Universal Service Fourth Order on Reconsideration**, FCC 97-420 (Dec. 30, 1997). In particular, all ETCs must provide toll blocking, which allows customers to block the completion of outgoing toll calls. **Universal Service Order** at 8821-22. LUL currently has no Lifeline customers because only carriers designated as an ETC can participate in Lifeline. **See** 47 C.F.R. § 54.400-415. Once designated as an ETC, LUL will participate in Lifeline as required, and will provide toll blocking capability in satisfaction of the FCC's requirement. Today, the Company provides toll-blocking services for international calls and customer selected toll calls. Accordingly, LUL currently has the technology to provide toll blocking and will use this technology to provide the service to its Lifeline customers, at no charge, as part of its universal service offerings.

7. LUL will provide the supported services using its existing network infrastructure, which includes the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed

on January 28, 2003.


Paul Clifton
Its Authorized Representative